

AMENDMENT UNDER 37 C.F.R. § 1.116  
U.S. Appln. No. 09/909,988  
Attorney Docket No.: Q64671

### **REMARKS**

Claims 1, 3, 7, 8, 10, and 23-26 are all the claims pending in the application. By this Amendment, Applicant amends claims 1 and 10 to further clarify the invention.

#### **Summary of the Office Action**

Claims 16 and 25 are allowed and claims 1, 3, 7, 9, 10, 23, and 24 presently stand rejected. Applicant believes the Examiner meant to indicate that claim 26 is allowed as claim 16 was withdrawn from consideration as directed to a non-elected subject matter.

#### **Prior Art Rejections**

Claims 1, 3, 7, 8, 10, 23, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,442,493 to Wakai et al. (hereinafter “Wakai”) in view of U.S. Patent No. 6,302,602 to Kiyohara et al. (hereinafter “Kiyohara”) and further in view of U.S. Patent No. 5,787,778 to Saito et al. (hereinafter “Saito”). Applicant respectfully traverses these grounds for rejection in view of the following comments.

Independent claims 1 and 10 recite: “wherein the receiving element is positioned below the movable blade.” The Examiner contends that the combined disclosure of Wakai, Kiyohara, and Saito meet the unique features of claims 1 and 10. Specifically, the Examiner acknowledges that Wakai does not teach or suggest the above-quoted unique features of claims 1 and 10. The Examiner, however, alleges that Kiyohara discloses a receiving element 64 (*see* page 4 of the Office Action).

Kiyohara, however, discloses that the receiving roller 64 is positioned on the downstream side of cutter blade 42 in the delivery direction (Fig. 6). That is, Kiyohara does not disclose or

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suggest the receiving element being positioned below the movable blade. Saito fails to cure the deficient teachings of Kiyohara in that it only discloses having press rollers prior to the disc cutter 3 and the fixed blade 4. In other words, the guide plate that has the press rollers is positioned prior to the cutting members (in an upstream direction) and not below the cutting blade.

For at least this exemplary reason, claims 1 and 10 are patentable over the combined teachings of Wakai, Kiyohara, and Saito. It is appropriate and necessary for the Examiner to withdraw this rejection of claims 1 and 10. Claims 3, 7, 8, 23, and 24 are patentable at least by virtue of their dependency on claims 1 and 10.

#### Allowable Subject Matter

Applicant thanks the Examiner for allowing claims 25 and 26. Applicant does not acquiesce to the Examiner's reason for allowance.

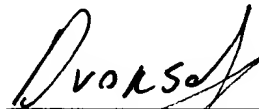
#### Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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